



February 15, 2017

VIA ECF

Honorable John Michael Vazquez
United States District Judge
United States District Court for the District of New Jersey
U.S. Courthouse
2 Federal Square
Newark, NJ 07101

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**Re: *John Doe 1 et al v. Chiquita Brands International, Inc. et al*,
Case No. 2:07-cv-03406-JMV-JBC (D.N.J.)**

Dear Judge Vazquez:

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On behalf of Defendants Cyrus Freidheim, Charles Keiser, Robert Kistinger, Robert Olson, and William Tsacalis (collectively, the "Individual Defendants"), we respectfully request leave to file a reply brief in support of their cross-motion to dismiss for lack of personal jurisdiction (Dkt. 55, 56). We propose to limit the reply brief to no more than five pages, and to file it on or before February 22, 2017 (February 20 is a federal holiday).

Good cause exists for such a reply brief. Until now, Plaintiffs had expressed no intention of arguing that this Court has personal jurisdiction over the Individual Defendants. To the contrary, in their December 1, 2016 status letter and at the December 7, 2016 telephone conference, Plaintiffs made clear that the single "narrow" issue before this Court is whether to transfer their claims against the Individual Defendants to other district courts to "cure the jurisdictional defects recognized by the MDL Court." Dkt. 38 at 1, 6. Indeed, Plaintiffs' motion to transfer necessarily assumes that "there is a want of jurisdiction" in this Court, 28 U.S.C. § 1631, and contains no argument otherwise. Thus, in response to Plaintiffs' motion to transfer, the Individual Defendants cross-moved to dismiss for lack of personal jurisdiction, to avoid any need for further motion practice in the event the transfer motion was denied. Nevertheless, Plaintiffs now argue in their reply brief filed this week that "personal jurisdiction is proper in this District." Dkt. 58 at 5. That is flatly incorrect and merits a short reply.

We therefore respectfully request that the Court grant leave for the Individual Defendants to file a reply brief of no more than five pages, on or before February 22, 2017. Prior to making this application, we sought

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consent to the request from Plaintiffs, but they refused. We appreciate the Court's consideration of this matter.

Respectfully submitted,

/s/ Cynthia S. Betz

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c: Counsel of Record (via ECF)